

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

EDWARD DWIGHT COLEMAN,

Petitioner,

v.

**WARDEN GARY HETZEL; THE
ATTORNEY GENERAL of ALABAMA,**

Respondents.

2:08-cv-02248-RDP-JEO

MEMORANDUM OPINION

On December 2, 2008, Petitioner filed a form application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 with this court. He challenges the validity of his conviction on August 10, 1986, for two counts of possession of a forged instrument. In accordance with the usual practices of this court, the petition was referred to a magistrate judge for a preliminary review and recommendation.

On December 4, 2008, the court entered an order for Petitioner to show cause why his petition should not be dismissed as successive. Petitioner responded with a motion to dismiss his petition without prejudice to seek permission from the Eleventh Circuit to file a successive petition. (Doc. #2). Upon consideration, the court finds that Petitioner's motion to dismiss is due to be granted and this matter dismissed without prejudice.

DONE, this the 22nd day of December 22, 2008.



R. DAVID PROCTOR
UNITED STATES DISTRICT JUDGE